



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/971,080	10/03/2001	Hitesh Shah	206004.00004	2094
67677 7590 12/14/2007 POWELL GOLDSTEIN, LLP 901 NEW YORK AVENUE, N.W. 3RD FLOOR WASHINGTON, DC 20001-4413			EXAMINER THIER, MICHAEL	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 12/14/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mdavis@pogolaw.com
tjackson@pogolaw.com
jbarritt@pogolaw.com

Office Action Summary	Application No. 09/971,080	Applicant(s) SHAH, HITESH	
	Examiner Michael T. Thier	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 55-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 55-58, 60, 61 and 63-66 is/are allowed.
- 6) ☒ Claim(s) 59 and 62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed on 8/17/2007 in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/26/2007, has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herman et al. (US 6633757) in view of Fitzgerald (US 6564056) in further view of Marchbanks et al. (US 6266401) and Chennakeshu et al. (US 6542758).

Regarding claim 59. Herman teaches a wireless communication system (see column 4 line 53-column 5 line 3, and column 6 lines 17-27, i.e. wireless LAN [WLAN]) comprising: a first wireless telephone (see column 6 lines 52-60, i.e. cellular phones, or several other devices) and a second wireless telephone (see column 6 lines 52-60, i.e. cellular phones, which is understood that the devices can be several cellular phones to

share the services, and column 14 lines 61-63, where it is explained that 2 devices that "share" services can be of the same type, i.e. "implementations are possible where devices are employed which have essentially the same building blocks") and sharing at least one service of the one or more services with the first wireless telephone (see column 15 lines 36-38). Herman also teaches that the WLAN may comprises access points which can provide the wireless devices with access to a wired network, which can be understood that the devices can be connected to some service provider. Herman further teaches the limitation wherein the service provider provides a shared voicemail feature. (see column 15 lines 35-38, the invention is used to share services, where voicemail is clearly a service). Herman further teaches the idea that the shared service is provided in response to receiving a request in column 6 lines 34-38, where he explains if the user desires the service consuming device must be able to assess the location of a service providing device in order to utilize the given service. Thus the consuming system must request the service from the other system in order to allow for sharing the service.

However, he does not clearly disclose that the first wireless telephone is subscribed to receive one or more services from a first wireless network and the second wireless telephone is subscribed to receive one or more services from a second wireless service provider. He also does not distinctly disclose that the first and second wireless telephones share a single wireless service plan.

Fitzgerald teaches of a hub, or wireless device, used in a wireless network. He teaches the idea of the wireless device within the wireless network (item 100 in figure 1,

shown as HUB, with wireless connections to item 108 and wireless interfaces 150), is also connected to multiple service providers to receive services in figure 1, see HUB 100 and cellular network 108, data network 104, and telephone network 106. (Also see column 3 lines 65-column 4 line 11) It must be understood that the Fitzgerald's figure 1 is just an example of the invention and may possibly contain multiple cellular networks (i.e. wireless service providers, rather than a cellular, data, and telephone, it could clearly have 2 separate cellular and a data network, thus allowing for subscribing to receive services from a second wireless service provider different from the first.) In Fitzgerald, the first wireless telephone 130, is able to make and receive calls over the cellular network 108. (i.e. subscribed to receive one or more services from a first wireless service provider), and the PDA 124 is able to use the data network 104 to send and receive data (i.e. subscribed to receive one or more services from a second wireless service provider). Whether or not the first and second wireless telephones (124 and 130) can utilize the services of more than one network (i.e. the PDA utilizing the data network and cellular network) is irrelevant, since the claims merely recite that the first wireless telephone be subscribed to receive one or more services from a first wireless service provider (which it is, since phone 130 can utilize cellular network 108) and the second wireless telephone be subscribed to receive one or more services from a second wireless service provider (which is also the case since the PDA can utilize the services of the data network 104). Fitzgerald also teaches the idea wherein the first wireless telephone and the second wireless telephone share a single wireless service plan administered by the first wireless service provider or the second wireless service

provider in figure 1, where the service provider is the cellular network 108, and the PDA 124 and phone 130, share a single service plan registered with the cellular network. (i.e. the HUB device 100, allows for connecting between both the PDA 124 and phone 130 with the multiple networks, therefore there can be one service plan with the cellular network and the multiple devices can share that service plan.)

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the subscribing to a wireless service provider as in Fitzgerald, with the wireless network that shares services in Herman. The motivation for doing so would have been to allow the devices within the wireless communication system (i.e. the wireless network), to enable the devices (i.e. cellular phones) to communicate with external service providers (Fitzgerald column 1 lines 58-64).

However Herman and Fitzgerald do not specifically disclose the limitations wherein the first and second wireless telephones share a single billing report under the single wireless service plan, and that the first wireless telephone receives one or more services including one of call forwarding and a voicemail service.

Marchbanks teaches of a consolidated billing system for use in telephony networks. He teaches the idea of combining network and third party usage charges integrated into a single bill (see the abstract). Marchbanks further teaches the first wireless telephone receives one or more services including one of call forwarding and a voicemail service in figure 6 item 100.

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the single billing as in Marchbanks with the communication

network that shares services as in Fitzgerald and Herman. The motivation for doing so would have been to allow for consolidated accounting of services provided (Marchbanks column 3 lines 43-44).

However Herman, Fitzgerald, and Marchbanks do not distinctly teach wherein the second wireless telephone is a vehicle wireless telephone, integrated into an electrical control system of the vehicle. They also do not teach the idea of the wireless telephone having the service of hands free dialing. Although, Herman further teaches the first wireless phone is a personal phone in column 6 lines 54-60, i.e. personal digital assistants and cellular phones. Herman also teaches the wireless LAN can be located within a car in column 6 lines 47-50.

Chennakeshu clearly teaches a telephone for use in a vehicle (see the abstract and figure 1). Also see column 1 lines 24-26, and column 3 lines 58-column 4 line 9. Further see figure 1 which shows the telephone integrated into the steering wheel of the vehicle. Further see column 2 lines 30-37, and column 3 lines 1-7. (i.e. the phone system may work with the inherent systems of the vehicle, or electrical control system) Chennakeshu further teaches the idea of utilizing the service of hands free dialing in the vehicle wireless telephone in the abstract (i.e. hands free unit)

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the vehicle phone as in Chennakeshu with the communication network that shares services as in Marchbanks, Fitzgerald, and Herman. The motivation for doing so would have been to allow for easy access to the wireless telephone by the driver of the vehicle.

4. Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over the grounds of rejection as applied to claim 59 above, and further in view of Rosener et al. (US 2002/0028655).

Regarding claim 62. Herman teaches a wireless communication system (see column 4 line 53-column 5 line 3, and column 6 lines 17-27, i.e. wireless LAN [WLAN]) comprising: a first wireless telephone (see column 6 lines 52-60, i.e. cellular phones, or several other devices) and a second wireless telephone (see column 6 lines 52-60, i.e. cellular phones, which is understood that the devices can be several cellular phones to share the services, and column 14 lines 61-63, where it is explained that 2 devices that “share” services can be of the same type, i.e. “implementations are possible where devices are employed which have essentially the same building blocks”) and sharing at least one service of the one or more services with the first wireless telephone (see column 15 lines 36-38). Herman also teaches that the WLAN may comprises access points which can provide the wireless devices with access to a wired network, which can be understood that the devices can be connected to some service provider. Herman further teaches the limitation wherein the service provider provides a shared voicemail feature. (see column 15 lines 35-38, the invention is used to share services, where voicemail is clearly a service).

However, he does not clearly disclose that the first wireless telephone is subscribed to receive one or more services from a first wireless network and the second wireless telephone is subscribed to receive one or more services from a second

wireless service provider. He also does not distinctly disclose that the first and second wireless telephones share a single wireless service plan.

Fitzgerald teaches of a hub, or wireless device, used in a wireless network. He teaches the idea of the wireless device within the wireless network (item 100 in figure 1, shown as HUB, with wireless connections to item 108 and wireless interfaces 150), is also connected to multiple service providers to receive services in figure 1, see HUB 100 and cellular network 108, data network 104, and telephone network 106. (Also see column 3 lines 65-column 4 line 11) It must be understood that the Fitzgerald's figure 1 is just an example of the invention and may possibly contain multiple cellular networks (i.e. wireless service providers, rather than a cellular, data, and telephone, it could clearly have 2 separate cellular and a data network, thus allowing for subscribing to receive services from a second wireless service provider different from the first.) In Fitzgerald, the first wireless telephone 130, is able to make and receive calls over the cellular network 108. (i.e. subscribed to receive one or more services from a first wireless service provider), and the PDA 124 is able to use the data network 104 to send and receive data (i.e. subscribed to receive one or more services from a second wireless service provider). Whether or not the first and second wireless telephones (124 and 130) can utilize the services of more than one network (i.e. the PDA utilizing the data network and cellular network) is irrelevant, since the claims merely recite that the first wireless telephone be subscribed to receive one or more services from a first wireless service provider (which it is, since phone 130 can utilize cellular network 108) and the second wireless telephone be subscribed to receive one or more services from

a second wireless service provider (which is also the case since the PDA can utilize the services of the data network 104). Fitzgerald also teaches the idea wherein the first wireless telephone and the second wireless telephone share a single wireless service plan administered by the first wireless service provider or the second wireless service provider in figure 1, where the service provider is the cellular network 108, and the PDA 124 and phone 130, share a single service plan registered with the cellular network. (i.e. the HUB device 100, allows for connecting between both the PDA 124 and phone 130 with the multiple networks, therefore there can be one service plan with the cellular network and the multiple devices can share that service plan.)

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the subscribing to a wireless service provider as in Fitzgerald, with the wireless network that shares services in Herman. The motivation for doing so would have been to allow the devices within the wireless communication system (i.e. the wireless network), to enable the devices (i.e. cellular phones) to communicate with external service providers (Fitzgerald column 1 lines 58-64).

However Herman and Fitzgerald do not specifically disclose the limitations wherein the first and second wireless telephones share a single billing report under the single wireless service plan, and that the first wireless telephone receives one or more services including one of call forwarding and a voicemail service.

Marchbanks teaches of a consolidated billing system for use in telephony networks. He teaches the idea of combining network and third party usage charges integrated into a single bill (see the abstract). Marchbanks further teaches the first

wireless telephone receives one or more services including one of call forwarding and a voicemail service in figure 6 item 100.

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the single billing as in Marchbanks with the communication network that shares services as in Fitzgerald and Herman. The motivation for doing so would have been to allow for consolidated accounting of services provided (Marchbanks column 3 lines 43-44).

However Herman, Fitzgerald, and Marchbanks do not distinctly teach wherein the second wireless telephone is a vehicle wireless telephone, integrated into an electrical control system of the vehicle. They also do not teach the idea of the wireless telephone having the service of hands free dialing. Although, Herman further teaches the first wireless phone is a personal phone in column 6 lines 54-60, i.e. personal digital assistants and cellular phones. Herman also teaches the wireless lan can be located within a car in column 6 lines 47-50.

Chennakeshu clearly teaches a telephone for use in a vehicle (see the abstract and figure 1). Also see column 1 lines 24-26, and column 3 lines 58-column 4 line 9. Further see figure 1 which shows the telephone integrated into the steering wheel of the vehicle. Further see column 2 lines 30-37, and column 3 lines 1-7. (i.e. the phone system may work with the inherent systems of the vehicle, or electrical control system) Chennakeshu further teaches the idea of utilizing the service of hands free dialing in the vehicle wireless telephone in the abstract (i.e. hands free unit)

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the vehicle phone as in Chennakeshu with the communication network that shares services as in Marchbanks, Fitzgerald, and Herman. The motivation for doing so would have been to allow for easy access to the wireless telephone by the driver of the vehicle.

However, they fail to specifically disclose the limitations wherein the system detects the proximity of the personal telephone to the vehicle phone and re routes the call to the vehicle phone. They also do not specifically teach the ideas that this can be done while the vehicle is being driven or that the communication unit of the vehicle is responsive to receipt of a proper activation code.

Rosener teaches the idea that a user walking to their car while in a call on their hand held phone, a Bluetooth discovery is made when the person gets close enough to the vehicle, and the call is then connected to a repeater of the vehicle to allow for the proper signal strength to continue the call. (see par. 118) Rosener further explains in par. 120 that the Bluetooth discover can be made while the vehicle is being driven in par. 120, where he explains that multiple users are in a car on a business trip, and explains that the owner enables the system to allow the passenger to utilize it (this can clearly happen while the owner is driving the vehicle since the passenger may then be granted access while the car is driving and thus the system will allow for the Bluetooth discovery). Rosener further teaches the idea that vehicle system could require an access code to be utilized in par. 117.

Art Unit: 2617

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the teachings of Rosener with the teachings of Chennakeshu, Marchbanks, Fitzgerald and Herman. The motivation for doing so would have been to allow for continuing the phone call with enough signal strength.

Allowable Subject Matter

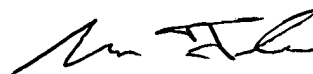
5. Claims 55-58, 60-61, and 63-66 are allowed over the prior art of record.]

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael T. Thier whose telephone number is (571) 272-2832. The examiner can normally be reached on Monday thru Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Michael T Thier
Examiner
Art Unit 2617
12/5/2007



DUC M. NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600